

EIGHTY-SIXTH DAY - MAY 26, 2005

LEGISLATIVE JOURNAL

**NINETY-NINTH LEGISLATURE
FIRST SESSION**

EIGHTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 26, 2005

PRAYER

The prayer was offered by Senator Fischer.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Brown, Cornett, Synowiecki, and Thompson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-fifth day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 25, 2005, at 6:00 p.m. were the following: LBs 66, 66A, 111, 111A, 117, 206e, 334, 364e, 499e, 546, 546A, 566, 664e, 664Ae, 683, 683Ae, 689e, 689Ae, and 753e.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

**SELECT COMMITTEE REPORTS
Enrollment and Review**

Correctly Engrossed

The following bills were correctly engrossed: LBs 40, 40A, 146, 146A, 332, 332A, and 713.

ER9043

Enrollment and Review Change to LB 40

The following changes, required to be reported for publication in the

Journal, have been made:

1. In the E & R amendments, AM7089, on page 1, line 6, "58-708," has been inserted after the second comma; in line 7 "section" has been struck and "sections 66-1519 and" inserted; and in line 9 "the Petroleum Release Remedial Action Cash Fund," has been inserted after the comma.

(Signed) Michael Flood, Chairperson

REPORT

The following report was received by the Legislature:

Retirement Systems, Public Employees

State of Nebraska Employees Retirement Plan, Nebraska County Employees Retirement Plan, State of Nebraska Deferred Compensation Plan Service Report for the Year Ending December 31, 2004

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of May 25, 2005, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Bromm, Curt
AFLAC

ANNOUNCEMENT

The Chair announced today is Senator McDonald's birthday.

GENERAL FILE

LEGISLATIVE BILL 645. The Standing Committee amendment, AM0316, found on page 482 and considered on page 1330, was renewed.

Senator Connealy renewed his pending amendment, AM1351, found on page 1336, to the Standing Committee amendment.

Senator Mines moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 6 nays, and 18 not voting.

The Connealy amendment lost with 12 ayes, 23 nays, and 14 present and not voting.

Senator Chambers offered the following amendment to the Standing Committee amendment:

FA206

Amend AM1334

Strike section 1.

Senator Chambers withdrew his amendment.

Senator Chambers offered the following amendment to the Standing Committee amendment:

FA207

Amend AM1334

Strike section 2.

Senator Chambers withdrew his amendment.

Pending.

STANDING COMMITTEE REPORT **Government, Military and Veterans Affairs**

LEGISLATIVE BILL 188. Placed on General File as amended.

Standing Committee amendment to LB 188:

AM0128

- 1 1. On page 3, line 4, after "made" insert "in accordance
- 2 with subsection (2) of section 32-1608.03".

(Signed) DiAnna R. Schimek, Chairperson

AMENDMENTS - Print in Journal

Senator Foley filed the following amendment to LB 484:

AM1728

- 1 1. Strike section 12 and insert the following sections:
- 2 "Section 1. Section 48-310, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 48-310. (1) No person under ~~the age of~~ sixteen years of
- 5 age shall be employed or ~~suffered~~ permitted to work in any
- 6 employment as defined in section 48-301 more than forty-eight hours
- 7 in any one week, nor more than eight hours in any one day, nor
- 8 before the hour of 6 in the morning, nor after the hour of 8 in the
- 9 evening if the child is under the age of fourteen, nor after the
- 10 hour of 10 in the evening if such child is between the ages of
- 11 fourteen and sixteen. The person issuing the work certificate may
- 12 limit or extend the stated hour in individual cases by endorsement
- 13 on the certificate, except a child shall only be permitted to work
- 14 after the hour of 10 p.m. if there is no school scheduled for the
- 15 following day and, if he or she is between fourteen and sixteen
- 16 years of age, he or she has consented to such extension by signing

17 his or her name on the endorsement extension, and his or her
18 employer has obtained a special permit from the Department of
19 Labor. The Department of Labor may issue a special permit to allow
20 employment of such child beyond 10 p.m. upon being satisfied, after
21 inspection of the working conditions, of and the safety,
22 healthfulness, and general welfare to the child of the business
23 premises. The special permit may be issued for periods not to
24 exceed ninety days and may be renewed only after reinspection. The
1 fee for each permit or renewal shall be established by rule and
2 regulation of the Commissioner of Labor, and all money so collected
3 by the commissioner shall be remitted to the State Treasurer who
4 shall credit the funds to the General Fund. Every employer shall
5 post in a conspicuous place in every room where such children are
6 employed a printed notice stating the hours required of them each
7 day, the hours of commencing and stopping work, and the time
8 allowed for meals. The printed form of such notice shall be
9 furnished by the Department of Labor.

10 (2) Except as provided in subsections (3) and (4) of this
11 section, no person under sixteen years of age shall be employed or
12 permitted to work as a door-to-door solicitor.

13 (3) A person under sixteen years of age engaged in the
14 delivery or distribution of newspapers or shopping news may be
15 employed or permitted to work as a door-to-door solicitor of
16 existing customers of such newspapers or shopping news.

17 (4) A person under sixteen years of age is permitted to
18 work as a door-to-door solicitor if he or she is working on behalf
19 of his or her own individual entrepreneurial endeavor.

20 Sec. 13. Sections 1 and 15 of this act become operative
21 on their effective date with the emergency clause. The other
22 sections of this act become operative on January 1, 2006.

23 Sec. 14. If any section in this act or any part of any
24 section is declared invalid or unconstitutional, the declaration
25 shall not affect the validity or constitutionality of the remaining
26 portions.

27 Sec. 15. Original section 48-310, Reissue Revised
1 Statutes of Nebraska, is repealed.

2 Sec. 17. Since an emergency exists, this act takes
3 effect when passed and approved according to law."

4 2. Renumber the remaining sections and correct internal
5 references accordingly.

Senator Cornett filed the following amendment to LB 478:
AM1745

(Amendments to AM1690)

1 1. On page 1, line 3, after "information" insert "and
2 who actually accesses classified information in performing his or
3 her duties."; and in line 7 after "information" insert "and
4 actually accesses classified information in performing his or her
5 duties".

GENERAL FILE

LEGISLATIVE BILL 645. Senator Chambers offered the following amendment to the Standing Committee amendment:

FA210

Amend AM1334

Strike section 5.

SENATOR JANSSEN PRESIDING

SENATOR CUDABACK PRESIDING

Pending.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 577. Placed on Select File as amended.

(E & R amendment, AM7116, is printed separately and available in the Bill Room, Room 1104.)

(Signed) Michael Flood, Chairperson

AMENDMENTS - Print in Journal

Senator Chambers filed the following amendment to LB 645:

FA211

Amend AM1334

Strike section 6.

Senator Chambers filed the following amendment to LB 645:

FA212

Amend AM1334

Strike section 7.

Senator Chambers filed the following amendment to LB 645:

FA213

Amend AM1334

Strike section 8.

Senator Chambers filed the following amendment to LB 645:

FA214

Amend AM1334

Strike section 10.

Senator Beutler filed the following amendment to LB 645:

FA215

Amend AM1334

On page 2, line 5 after "86-575" insert "and except for geographic areas where one or more of the listed services is not being provided or no effective competition exists in the private market as determined by the Public Service Commission"

Senator Beutler filed the following amendment to LB 645:

FA307

Amend AM1334

On page 2, line 8 after "services" add "except to the extent such services were provided prior to January 1, 2005."

On page 2, line 17, after "services" add "except to the extent such services were provided prior to January 1, 2005."

VISITORS

Visitors to the Chamber were Senator Dwite Pedersen's grandson, Cameron Jackson, from Omaha; 60 fourth-grade students and teachers from Norris Elementary School, Firth; a group from Michigan; and 57 third-grade students and teachers from Clinton Elementary School, Lincoln.

ADJOURNMENT

At 12:27 p.m., on a motion by Speaker Brashear, the Legislature adjourned until 10:00 a.m., Tuesday, May 31, 2005.

Patrick J. O'Donnell
Clerk of the Legislature